

IN THE CIRCUIT COURT OF THE SIXTEENTH
JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY,
STATE OF FLORIDA

LOWER KEYS CRIMINAL DIVISION

FILED FOR RECORD
2018 MAR -2 PM 3:25
CLERK OF COURT
MONROE COUNTY, FL

State of Florida

vs.

Case Number 2017-CF-00151-A-K

Brandon Ray Davis
W/M, DOB: 06/19/1986

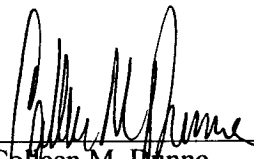
INFORMATION FOR:

Aggravated Battery with a Deadly Weapon with Evidence of Prejudice 784.045(1a2); 775.085(1a4) (F 1)

In the Name and by Authority of the State of Florida:

Dennis W. Ward, State Attorney for the Sixteenth Judicial Circuit, prosecuting for the State of Florida in the said Judicial Circuit, under oath, information makes that Defendant, Brandon Ray Davis on or about February 23, 2017, in the County of Monroe and State of Florida, did actually and intentionally touch or strike Kevin Seymour against the will of Kevin Seymour, and in doing so used a motor scooter, a deadly weapon and during the commission of the aggravated battery with a deadly weapon, Brandon Ray Davis perceived, knew or had reasonable grounds to perceive or know Kevin Seymour's sexual orientation and intentionally selected Kevin Seymour because of that perception or knowledge, contrary to Florida Statute 784.045(1)(a)2 and 775.085(1)(a)4.

The State hereby "NO ACTIONS"
all remaining charges in this case.

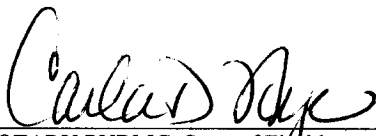

Colleen M. Dunne
Assistant State Attorney
Florida Bar No. 451843
530 Whitehead Street, Suite 301
Key West, Florida 33040
(305) 292-3400
cdunne@keyssao.org

STATE OF FLORIDA,)
COUNTY OF MONROE) ^{ss}

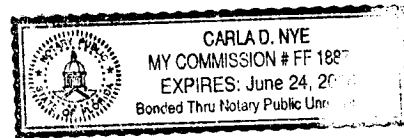
Personally appeared before me, Colleen M. Dunne, Assistant State Attorney for the Sixteenth Judicial Circuit of Florida who is personally known to me and whose signature appears above, and who being duly sworn, says that the allegations set forth in this Information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense(s) charged and

further certifies that this prosecution is instituted in good faith and based upon testimony received under oath from the material witness or witnesses for the offense(s).

Sworn to and subscribed to before me this 2nd day of March 2017.



NOTARY PUBLIC, State of Florida



RIC 3/7/2017

Reviewed by ASA Dunne
2/28/17

CHERRY
PERRY

ORIGINAL

IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT,
IN AND FOR THE COUNTY OF MONROE, FLORIDA

STATE OF FLORIDA

Originating agency: Key West Police Department

Originating agency Case Number: 0117001098

v.

Warrant No: 17CF-151-K

Brandon Ray Davis

MCSU 17 APR 001033

WARRANT FOR ARREST

WHEREAS, complaint on oath and in writing, supported by affidavit of a credible witness, or witnesses, has this day been made before the undersigned Judge WAYNE MILLER

WHEREAS, said facts made known to me and considered by me have caused me to certify and find that the facts set forth in said affidavit show and constitute probable cause for the issuance of this warrant and the Court being satisfied of the existence of said grounds set forth in the affidavit and that the laws of the State of Florida have been violated. Based on a finding of probable cause, you are commanded to arrest the above-named defendant and bring the defendant without unnecessary delay before this court to answer to the charge of: **Aggravated Battery with a Deadly Weapon with Evidence of Prejudice contrary to Section(s): 784.045(1a2) with enhancement statute 775.085(1a4) of FLORIDA STATUTES (F 1)**

GIVEN UNDER MY HAND AND SEAL THIS 28 DAY OF Feb 2017

JUDGE [Signature]

BOND \$ 10,000⁰⁰

2017 MAR 16 AM 10:03

FILED FOR RECORD

Description of defendant:

NAME: Brandon Ray Davis

DATE OF BIRTH: 06-19-1986

RACE: White

SEX: Male

HEIGHT: 5'11

WEIGHT: 200

EYE COLOR: Brown

HAIR COLOR: Brown

SSN#: [REDACTED]

DL#: North Carolina [REDACTED]

LAST KNOWN ADDRESS: [REDACTED] Richlands, NC, [REDACTED]



Extradition Information:

The State will extradite the defendant:

☐ State of Florida Only

☐ From any contiguous state

☒ From anywhere in the continental United States

☐ From anywhere

CMD 2/28/17

2017 FEB 28 PM 2:08

RECEIVED
MONROE CO. SHERIFF'S OFFICE
WARRANTS DIVISION

17CF-154K

ARREST AFFIDAVIT

IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT,
IN AND FOR THE COUNTY OF MONROE, FLORIDA

STATE OF FLORIDA

V.

Brandon Ray Davis

**Aggravated Battery w/ a Deadly Weapon w/ Evidence of Prejudice F.S.S. # 84.045(2)
with enhancement statute 775.085(1a4) (F 1)**

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RACE: White
SEX: Male
HEIGHT: 5'11
WEIGHT: 200
EYE COLOR: Brown
HAIR COLOR: Brown
SSN# [REDACTED]
DL#: North Carolina 000020668646

FILED FOR RECORD
2017 FEB 28 PM 1:31
CLERK OF CIRCUIT
MONROE COUNTY, FLA

In the name of the State of Florida, to all singular the sheriffs of the State of Florida, **Detective J. Dean** of The Key West Police Department has this day made oath that on **DATE** in the county aforesaid, one **Brandon Ray Davis** did then and there commit the offense of: **Aggravated Battery w/ a Deadly Weapon w/ Evidence of Prejudice** to wit:

On February 24, 2017, I (Detective J. Dean) was assigned to investigate an aggravated battery.

In the early morning hours of February 23, 2017, Officer B Dehanas responded to the area of 1221 Duval St, where he met with the victim, Kevin Seymour, and his partner, Kevin Price. Both men alleged to Officer Dehanas that Seymour had been harassed and attacked by a male subject, later identified as Brandon Ray Davis, due to their sexual orientation. I later confirmed Price and Seymour's statements to Officer Dehanas.

The following is Price and Seymour's account of the incident:

Price and Seymour advised they had first saw Davis on the 700 block of Duval St where they were riding southbound on bicycles. Davis was also riding southbound on a motor scooter and was swerving as he drove down the road. As Davis traversed the road, he almost struck a passing vehicle. Seymour yelled out to him in concern to "look out" and advised Davis that he "almost hit a car".

After alerting Davis to the dangers on the road, Davis began to follow them for the next several blocks. While Davis was following Seymour and Price, he yelled out to them "You just left 801"; "Do you need to suck my dick"; and "You guys are a couple of fags".

RIC 3/7/2017

Reviewed by ASA Dunne
2/28/17

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IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT,
IN AND FOR THE COUNTY OF MONROE, FLORIDA

STATE OF FLORIDA

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Originating agency Case Number: 0117001098

V.

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WARRANTS DIVISION

17CF-15HK

ARREST AFFIDAVIT

IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT,
IN AND FOR THE COUNTY OF MONROE, FLORIDA

STATE OF FLORIDA

V.

Brandon Ray Davis

Aggravated Battery w/ a Deadly Weapon w/ Evidence of Prejudice F.S.S. # 775.045(2) with enhancement statute 775.085(1a4) (F 1)

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RACE: White
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After alerting Davis to the dangers on the road, Davis began to follow them for the next several blocks. While Davis was following Seymour and Price, he yelled out to them "You just left 801"; "Do you need to suck my dick"; and "You guys are a couple of fags".

As Davis, Seymour and Price neared the intersection of Duval St and Louisa St, Davis intentionally charged Seymour with his motor scooter striking the rear tire of Seymour's bicycle. The strike from the motor scooter knocked Seymour off of the bicycle, but Seymour was able to land on his feet and did not suffer any injury. Seymour then made the statement to Davis that he was going to call 911. Davis then said, "If you do that, I'll cut you up". Davis then rode away and turned east (outbound) on United St.

During the interaction between Price, Seymour, and Davis, Price noted the license plate number to the motor scooter was Florida tag MCUT33. Price provided the tag number to Officer Dehanas.

While conducting an on scene investigation, Dehanas located a witness, Jennifer Taylor. Taylor observed the incident from the porch of 1221 Duval St (VIP Gentlemen's Club). Taylor reported to Officer Dehanas that she observed Davis' motor scooter strike Seymour's bicycle. Taylor advised Officer Dehanas that she saw Seymour's bicycle fall to the ground and then saw Davis flee the scene.

A short time after conducting his on scene investigation and leaving the scene, Officer Dehanas was notified by dispatch that Price and Seymour had located the motor scooter Davis had been riding in the parking lot of Southernmost Hotel (1319 Duval St). The hotel is located less than one block from the VIP Gentlemen's Club. Officer Dehanas responded to the Southernmost Hotel and discovered the keys were still in the ignition of the motor scooter. Officer Dehanas noted that the key to the ignition of the motor scooter was bent. Officer Dehanas confirmed the license plate of the motor scooter to be Florida tag MCUT33.

Officer Dehanas discovered the motor scooter was registered to A&M Scooter Rentals (523 Truman Ave). Officer Dehanas attempted to make contact with A&M Scooter Rentals but was unsuccessful due to the business being closed at that time. Officer Dehanas left the scooter parked at Southernmost Hotel and turned the ignition key into Southernmost Hotel staff with instructions to contact KWPD if anyone attempted to claim it.

On February 24, 2017, at approximately 2100 hours, Officer Dehanas and I went back to Southernmost Hotel to check on the status of the scooter. Officer Dehanas and I discovered that the scooter had been removed but the key had not been claimed from the front desk. There were no outside facing video surveillance cameras at the hotel.

On February 25, 2017, I went to A&M Scooter Rental and retrieved a copy of the rental agreement for the above described scooter. The scooter had been rented by a male and female subject, Brandon Ray Davis and Brittany Brown, out of North Carolina. Davis and Brown both provided a North Carolina Driver's License. I was provided with a copy of the drivers licenses. I was also told by an A&M employee that Davis had advised that he and Brown were flying out of Key West the previous day, February 24, 2017. The rental agreement listed Davis' hotel as "Southernmost" and listed a rental period of between February 19, 2017 and February 23, 2017.

Due to the fact that I do not have direct access to North Carolina drivers license photos, Lieutenant A. Vazquez contacted law enforcement resource, ROCIC, and requested a digital copy of Davis' driver's license photo. A short time later, ROCIC, sent Lieutenant Vazquez the photo of Davis.

I created two photo lineups. The photo lineups consisted of a total of 10 pages (two blank pages in the front of the lineup; six photos of male subjects; two blank pages in the rear of lineup). Both lineups had Davis placed as the third subject shown. The five other subjects shown in the photo lineup were selected

at random based on their physical appearance being similar to Davis. All six subjects in the lineup had photos of the same size on individual pages. ASA C Dunne and C Bridger reviewed the warrant.

I made contact with Seymour on February 25, 2017, but Seymour advised that he and Price would be out of town until Monday, February 27, 2017.

On February 27, 2017, Seymour and Price came to KWPd to look at the photo lineups. Seymour and Price were separated. Detective Sealey, who had no knowledge of the suspect, showed the lineup to Seymour while I waited with Price. While Detective Sealey showed Seymour the photo lineup, Price and I waited out of sight and hearing of Detective Sealey and Seymour. Upon completion of showing Seymour the lineup, Price switched out with Seymour. During the transition between Price and Seymour looking at the photo lineups, neither men were alone with each other and did not comment on the lineup. Price then reviewed the second photo lineup with Detective Sealey while Seymour and I waited out of sight and hearing.

Price and Seymour then left KWPd. I then reviewed the lineups. Detective Sealey advised that both Price and Seymour reviewed the lineup in its entirety and then identified the subject in the #3 position (Davis) as the suspect.

Later that same day, Detective Sergeant M. Haley and I attempted to make contact with the employees at the VIP Gentlemen's Club in reference to getting security video which faces Duval St. At that time, the business had its open sign turned on and based on its posted hours of operation, should have been opened. I attempted to call the business but there was no answer. Due to the fact that there is a limited amount of time surveillance video is stored at most places, I completed a subpoena requesting video and sent it to the State Attorney's Office.

On February 28, 2017, I contacted the number listed on the rental agreement from A&M Scooter. Brown answered the phone (recorded) and identified the number as belonging to her. I told Brown I needed to talk to Davis in reference to a hit and run. Brown advised me she and Davis used to be a couple but had made plans to travel to Key West prior to breaking up. Brown advised that she did not spend much time with Davis while they were in Key West. Brown said Davis did not mention anything about any altercation with anyone in Key West. Brown said she would find Davis' contact information and call me back.

A short time later, Davis contacted me (recorded). Davis denied being in any altercation with anyone while in Key West. Davis said he did not hit any bicycle with his motor scooter. Davis confirmed he was staying at the Southernmost Hotel. Upon asking Davis if he called anyone "faggots", Davis said, "Man, maybe I have, maybe I have messed up." Davis said that this whole situation must be some type of miscommunication but he could not provide me with any type of story where he said or did anything where someone could have misunderstood something he did.

Probable cause exists to believe Brandon Ray Davis committed the offense of aggravated battery with a deadly weapon (F.S.S. 784.045(1)(a)(2)). Davis intentionally drove a motor scooter into the bicycle Kevin Seymour was riding. Davis used the motor scooter as a weapon. If Seymour had not landed on his feet after being struck by the motor scooter, he could have suffered severe injury.

Probable cause exists to believe there was evidence of prejudice in Davis' attack of Seymour (F.S.S. 775.085(1)(a)(4)). Leading up to Davis' attack of Seymour, Davis identified Seymour and Price as

homosexuals and used explicit bias language in reference to their sexual orientation. Davis then attacked Seymour without any provocation.

The suspect did knowingly and intentionally commit **Aggravated Battery w/ a Deadly Weapon Battery w/ Evidence of Prejudice (F 1)** to the Florida Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

Detective Jeffrey Dean

SWORN AND SUBSCRIBED BEFORE ME THIS 28 day of Feb 2017.

SIGNATURE AND TITLE OF PERSON TAKING OATH